

REMARKS

Summary of substantive patentability issue

The humidity sensor disclosed in the Matsushita patent is understood to change its output, depending on changing moisture conditions, thereby preventing its present condition from providing the environmental history of the sensor. In contrast, Claim 1 recites that its indicator means *maintains* the state of deterioration of a property thereof, thereby permitting its present condition to indicate the environmental *history* thereof. Accordingly, Claim 1 is understood to be allowable over this patent, and the other independent claims, reciting similar features, are understood to be allowable for similar reasons.

Status of the claims

Claims 1-15, 17, and 19-23 are pending. Claims 1 and 13 have been amended to improve their form, Claims 16 and 18 have been canceled without prejudice, and Claims 22 and 23 have been added. Claims 1, 5, 7, 10, 11, 13, 19, and 20-23 are independent.

Requested action

Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

Applicant also respectfully requests that this Amendment be entered. This Amendment could not have been presented earlier as it was earnestly believed that the claims on file would be found allowable. Given the Examiner's familiarity with the application, Applicant believes that a full understanding and consideration of this Amendment would not require undue time or effort by the Examiner. Moreover, for the reasons discussed below, Applicant submits that this

Amendment places the application in condition for allowance. At the very least, it is believed to place the application in better form for appeal. Accordingly, entry of this Amendment is believed to be appropriate and such entry is respectfully requested.

Allowable subject matter

Applicant gratefully acknowledges the allowance of Claims 5, 6, 11, 12, 15/11, 17/11, 17/21, and 21.¹

Statement of reasons for allowance

Applicant disagrees with the characterization of Claims 15/1, 15/10, 17/1, 17/10, 17/13, 17/19, 17/ 20 in the Office Action's Statement of Reasons for Allowance because these claims do not recite an optical filter. In addition, Applicant disagrees with the characterization of Claims 11, 12, 15/11, 17/11, 17/21, and 21 because they recite an optical filter having a light transmitting property which varies according to "an environmental history" with respect to temperature and/or humidity, rather than "any environmental history", as recited in the Statement.

Rejection

Paragraph 2 of the Office Action rejects Claims 1-4, 7-10, and 13-20 under 35 U.S.C. § 102(b) as anticipated by the patent to Matsushita. But in the February 10, 2004 telephone conference, the Examiner clarified the rejection by stating that she rejects Claims 1-4, 7-10, 13,

¹Page 3 of the January 12, 2004 Office Action states that Claims 15 and 17 are allowed. But in a telephone conference with the Examiner on February 10, 2004 conducted to clarify the Office Action, the Examiner stated that she was allowing Claims 15/11, 17/11, and 17/21.

14, 15/1, 15/10, 16, 17/1, 17/10, 17/13, 17/19, 17/ 20, and 18-20 under 35 U.S.C. § 102(b) as anticipated by the patent to Matsushita.²

Response to rejection

In response, while not conceding the propriety of the rejection, Claims 16 and 18 have been canceled without prejudice and Claim 13 has been amended. Applicant submits that the independent claims are allowable for the following reasons.

Independent Claim 1 relates to an apparatus for indicating the history of the environmental conditions of the environment in which the apparatus is used before a unit thereof is reconditioned for reuse to permit a determination of the level of deterioration of a recoverable and reusable unit of the apparatus and a determination of whether the recoverable and reusable unit can be recovered and reused. The apparatus comprises a recoverable and reusable unit performing a function independent of determining the degree of deterioration of the recoverable and reusable unit, which is recoverable and reusable after use of the unit and the apparatus in the environment, depending on the level of deterioration of the unit, which depends on the history of environmental conditions of the environment in which the apparatus was used. The apparatus also comprises environmental history indicator means for indicating the degree of deterioration of the recoverable and reusable unit before the unit is reconditioned for reuse in accordance with the history of conditions in the environment in which the apparatus was used. The environmental

²The cover page and paragraph 5 of the Office Action are inconsistent with paragraph 2 of the Office Action because the cover page does not provide the status of Claims 19 and 20, while paragraph 5 states that Claims 15, 17, and 21 are allowed. This inconsistency was cleared up in the February 10, 2004 telephone conference with the Examiner, who stated that Claims 15/1, 15/10, 17/1, 17/10, 17/13, 17/19, 17/ 20, 19, and 20 were rejected for the reasons stated in paragraph 2.

history indicator means is disposed inside the apparatus. In addition, the environmental history indicator means has a property variable in accordance with the history of the conditions in the environment in which the apparatus was used. Further, the environmental history indicator means is arranged so as not to participate in any functions of the apparatus during use of the apparatus. Also, the environmental history indicator means determines the degree of deterioration of the recoverable and reusable unit before the unit is reconditioned for reuse by permitting a determination of the value of the property thereof, variable in accordance with the history of conditions in the environment in which the apparatus was used.

Finally, Claim 1 recites that the environmental history indicator means maintains the state of deterioration of the property.

Since the indicator means maintains the state of deterioration of the property, the current state of the indicator means can be used to determine the history of environmental conditions to which the unit is subjected and the degree to deterioration of the unit. Consequently, degree of the unit's deterioration can be detected by merely examining the current condition of the indicator means.

In contrast, the patent to Matsushita is merely understood to disclose a humidity sensor for a piece of electronic equipment, such as a VCR, a video camera, or an air conditioner, whose condition continues to change, depending on the changing moisture content of its environment. As a result, the current condition of Matsushita's humidity sensor is not understood to reflect the *history* of the environmental conditions to which its electronic equipment is subjected. Therefore, this patent is not understood to disclose or suggest at least environmental history indicator means that *maintains* the state of deterioration of a property thereof that varies in

accordance with the history of the conditions in the environment in which that apparatus was used, as recited by Claim 1.

For this reason, Claim 1 is understood to be allowable over the Matsushita patent. And since independent Claims 7, 10, 11, and 13 recite the same or similar features, they are allowable for the same reason or similar reasons. And since independent Claims 19 and 20 recite an environmental history indicator member that *maintains* the state of deterioration of a property thereof that varies in accordance with the history of use of an apparatus or the history of the conditions in the environment in which that apparatus was used, these claims are allowable for similar reasons.

New independent claims 22 and 23

New independent Claim 22 relates to an optical apparatus comprising a lens unit which is recoverable and reusable after use, and an environmental history indicator member disposed inside the apparatus. The environmental history indicator member has a property that varies according to the environmental history of use of the optical apparatus. In addition, the service life of the lens unit is affected by an environmental factor. The environmental factor causes the property of the environmental history indicator member, and the lens unit to deteriorate. Also, the environmental history indicator member resists the deteriorating effect of the environmental factor less than the lens unit. Further, the environmental history indicator member maintains the state of deterioration of the property of the environmental history indicating member even if it is dismounted from the optical apparatus.

Independent Claim 23 relates to an optical apparatus comprising a unit which is recoverable and reusable after use, and an environmental history indicator member disposed

inside the apparatus. The environmental history indicator member has a property that varies according to the environmental history of use of the optical apparatus. Claim 23 also recites that the service life of the unit is affected by an environmental factor. The environmental factor causes the property of the environmental history indicator member and lens unit to deteriorate. Also, the environmental history indicator member resists the deteriorating effect of the environmental factor less than the unit. In addition, the environmental history indicator member maintains the state of deterioration of the property of the environmental history indicating member even if it is dismounted from the optical apparatus. Finally, Claim 23 recites that the optical apparatus is an image reading apparatus, photo printer or a video camera.

In contrast, the patent to Matsushita is not understood to disclose or suggest an environmental history indicator member that *maintains* the state of deterioration of a property thereof that varies according to the environmental history of use of the optical apparatus even if it is dismounted from the optical apparatus, as recited in new independent Claims 22 and 23. For this reason, new independent Claims 22 and 23 are understood to be allowable over this patent.

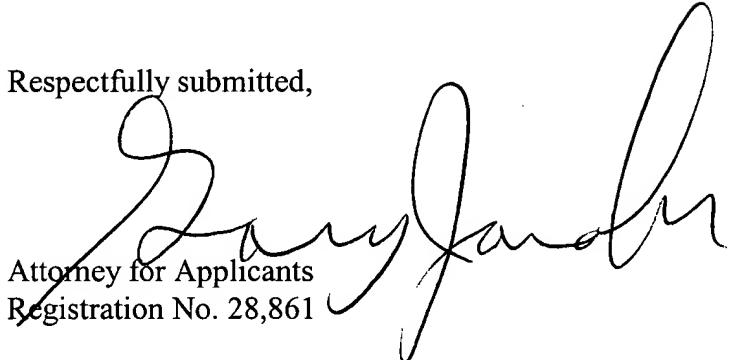
The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the claims are now in allowable form.
Therefore, early passage to issue is respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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